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# Triad Sues, Accusing 2 Of Larceny

By ROBERT J. COLE

The Triad Energy Corporation and Everest Petroleum Inc. charged in court yesterday that two of their top executives, helped by a junior officer of the European-American Bank and Trust Company, had looted them of undetermined bank deposits and other assets. The two related oil companies are seeking damages of more than \$5 million in the suit, filed in Federal District Court in Manhattan.

Fraud charges leveled by the two executives, Thomas and Samuel F. McNeill, resulted in July in the abrupt resignation of Max C. Hugel as chief of clandestine operations for the Central Intelligence Agency. Mr. Hugel called the accusations "unfounded, unproven and untrue."

The McNeill brothers have since disappeared, touching off a search by the Federal Bureau of Investigation for them and for the missing money.

Named with the McNeill brothers and 15 other persons in the 50-page Triad suit was Jean Marie Carson, assistant manager of the European-American Bank's branch at 785 Fifth Avenue.

In a charge against the bank itself, Triad seeks separate damages of more than \$3 million. Triad accused the bank of having been "grossly negligent" in authorizing the withdrawal of company funds "even though it knew or should have known that said withdrawals were not properly authorized."

Thomas McNeill was president of

Everest, and his brother was president of Triad since it was formed in early 1980 until late in July, when its directors removed him "for cause."

A European-American spokesman said the bank had not yet seen the court papers and was therefore unable to comment. Miss Carson has been an employee for 10 years, the spokesman added, and is still employed. Miss Carson, identified in the suit as Everest's corporate secretary, did not return a phone call to her office.

Triad asserted that the McNeill brothers, acting with Miss Carson, embarked on a scheme to defraud the two corporations, starting last fall. The object of this scheme, Triad said, was for the McNeill brothers to appropriate the assets of the two companies for themselves.

## Transactions Described

Triad also contended that, once the funds were deposited in the bank, the McNells "embarked on a series of transactions consisting of withdrawals of the monies to Triad, to the accounts of Thomas McNeill, Samuel McNeill and Everest; and withdrawals of monies of Everest to the accounts of Thomas McNeill, Samuel McNeill, Triad and defendant Macro International Group." Macro is a New York commodity brokerage firm.

The bulk of the money, that belonging to Triad, was deposited at the European-American bank, the suit said, while Everest's cash was deposited at Bank Leumi, Bank of New York, Marine Midland Bank and Barclays Bank. None of these four institutions was named as a defendant.

William Hodgson, a Macro salesman also named in the suit, was charged with having "knowingly and willfully" applied Triad and Everest funds to commodity accounts owned by the McNeill brothers and MB Securities, a brokerage firm owned by Samuel McNeill. MB was also named as a defendant.

The suit contends that the McNells, aided by Miss Carson, transferred \$790,000 from Bank Leumi to Macro to trade in commodities and that Samuel McNeill paid unauthorized death benefits and other benefits to employees and members of the McNeill family, including his late brother Dennis and his widow, Jean. Dennis McNeill's body was exhumed from a cemetery in Maine last month to determine whether his death was from natural causes. He died June 1 at Queens Medical Center, reportedly after collapsing while jogging. Physicians notified the city of "the potential of a ruptured spleen."

In other charges, Triad said Samuel McNeill used \$378,000 of Triad's funds to pay off the mortgage on his New Jersey home. The money, the suit said, had been owed to Mr. Hugel, the former C.I.A. official.

The oil companies sought court orders to place liens on the Holmdel, N.J., home, land in Maine, brokerage accounts in the name of Samuel McNeill and his daughter Mairi and property now in the estate of Dennis McNeill.

Triad and Kevin Gross, receiver since Aug. 31 for Everest and represented by the New York law firm of Greenbaum, Wolff & Ernst, said they would seek expedited questioning of the bank, Miss Carson and Mr. Hodgson of Macro. They said Mr. Hugel had also been subpoenaed to testify.

Everest said in a statement that Mr. Gross was named receiver by the Delaware Chancery Court because of fraud charges arising out of Thomas McNeill's actions as trustee and president.